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BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR Single Bench

Civil Contempt Petition No. 131 Of 2005

PETITIONER :- Shalbh Shukla, son of Late Rajendra Prasad Shukla, aged about 25 years, Resident of C/o Nagendra Shukla, Near Raja Bakery, Jungle Para, Nagri, Tahsil Nagri, District Dhamtari (Chhattisgarh)

P.R. No. 2889/05 J.K. Gupta
Presented by Sh.
dated 11/11/05

VERSUS

CONTEMNOR :- Y.S. Bele, Additional Secretary, Government of Chhattisgarh, Tribal and Schedule Caste Development Department, Mantralaya, Raipur (Chhattisgarh).

PETITION UNDER ARTICLE 215 OF CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE AT ABILSPUR ; CHHATTISHGARH

SINGLE BENCH : HON'BLE SHRI H.L.DATTU, C.J.

Contempt Petition No. 131 of 2005

PETITIONER: Shalbh Shukla

Vs.

RESPONDENT: Y.S. Bele

Present : Shri Pankaj Agrawal, counsel for the petitioner.

ORAL ORDER

(Passed on 1st March, 2007)

This Court while disposing of W.P. No. 3924 of 2005 by its order dated 12/09/2005, had directed the respondent to consider and decide the representation of the petitioner without taking into consideration the order dated 04.05.2005 passed by the Deputy Commissioner, Tribal and Scheduled Caste Development, Raipur, within a period of six weeks from the date of receipt of the representation, if any, made by the petitioner.

The petitioner alleges that the respondent while considering the representation of the petitioner has once again taken into consideration the order dated 04.05.2005 passed by the Deputy Commissioner. Therefore, it is asserted that the respondent has committed an act of contempt which warrants initiation of contempt proceedings against him.

In my view, if for any reason, the respondent while considering representation of the petitioner has yet again taken into consideration the order dated 04.05.2005 passed by the Deputy Commission, Tribal and

Scheduled Caste Development, Raipur, the petitioner can definitely question the order passed by the respondent before the appropriate forum. Accordingly, I do not consider it to be a fit case for taking cognizance of the complaint. Therefore, petition is rejected with liberty to the petitioner to question the correctness or otherwise of the endorsement/order passed by the respondent after considering the representation, before the appropriate forum. Ordered accordingly.

Sd/-
Chief Justice